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11 IN THE UNITED STATES DISTRICT COURT

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13 EASTERN DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA,
15 Plaintiff,
16 v.
17 FERNANDO CASTRO BAZAN,
18 Defendant.

19 CASE NO. 2:21-CR-00196-DJC
20 STIPULATION REGARDING EXCLUDABLE
21 TIME PERIODS UNDER SPEEDY TRIAL ACT;
22 FINDINGS AND ORDER
23 COURT: Hon. Daniel J. Calabretta

24
25 STIPULATION

26 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
27 through defendant's counsel of record, hereby stipulate as follows:

28 1. By previous order, this matter was set for status on May 23, 2023, before District Judge
Dale A. Drozd. Time has been excluded until this date. ECF No. 37.

2. On April 28, 2022, a federal grand jury in the Southern District of California returned an
indictment against Mr. Bazan and two other defendants. *United States of America v. Castro Bazan et al*,
3:22-CR-971-JO. The defendant was arrested for this offense on June 30, 2022 and remains in pretrial
custody in the Southern District of California for this separate federal case. Order of detention, 3:22-CR-
971-JO, ECF No. 52.

3. On April 6, 2023, the Court issued a minute order reassigning this case to District Judge
Daniel J. Calabretta, vacating the May 23, 2023 status date, and ordering the parties to confer and

1 request a new date. ECF No. 38.

2 4. By this stipulation, the parties now move request to set a status conference on June 1,
3 2023, at 9:00 a.m., and to exclude time between May 23, 2023, and June 1, 2023, under Local Codes T4
4 and M.

5 5. The parties agree and stipulate, and request that the Court find the following:

6 a) The government has represented that the discovery associated with this case
7 includes investigative reports, undercover surveillance footage, recorded calls in English and
8 Spanish, phone records, and other evidence. All of this discovery has been either produced
9 directly to counsel and/or made available for inspection and copying.

10 b) Counsel for defendant desires additional time to consult with her client, review
11 the current charge, to conduct investigation and research related to the charge, to review and
12 copy discovery, to discuss potential resolutions with her client, and to otherwise prepare for trial.

13 c) Counsel for defendant believes that failure to grant the above-requested
14 continuance would deny her the reasonable time necessary for effective preparation, taking into
15 account the exercise of due diligence.

16 d) The government does not object to the continuance.

17 e) Based on the above-stated findings, the ends of justice served by continuing the
18 case as requested outweigh the interest of the public and the defendant in a trial within the
19 original date prescribed by the Speedy Trial Act.

20 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
21 et seq., within which trial must commence, the time period of May 23, 2023 to June 1, 2023,
22 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
23 because it results from a continuance granted by the Court at defendant's request on the basis of
24 the Court's finding that the ends of justice served by taking such action outweigh the best interest
25 of the public and the defendant in a speedy trial.

26 g) Given the defendant's current unavailability as a result of his pretrial custody in
27 another district, this exclusion of time is also appropriate under 18 U.S.C. § 3161(h)(3)(A) [Local
28 Code M].

1 6. Nothing in this stipulation and order shall preclude a finding that other provisions of the
2 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
3 must commence.

4 IT IS SO STIPULATED.

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6 Dated: April 24, 2023

PHILLIP A. TALBERT
United States Attorney

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8 _____
9 /s/ ADRIAN T. KINSELLA
ADRIAN T. KINSELLA
Assistant United States Attorney

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11 Dated: April 24, 2023

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13 /s/ NOA OREN
NOA OREN
Counsel for Defendant
FERNANDO CASTRO BAZAN

14
15 **ORDER**

16 IT IS SO FOUND AND ORDERED this 24th day of April, 2023.

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18 _____
19 /s/ Daniel J. Calabretta
THE HONORABLE DANIEL J. CALABRETTA
20 UNITED STATES DISTRICT JUDGE
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